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DEPUY SPINE, INC.

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9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11
12 WILLIAM L. WELLS, JR. and
13 JANICE WELLS,

14 Plaintiffs,

15 vs.

16 DEPUY SPINE, INC.; DEPUY, INC.;
17 JOHNSON & JOHNSON, and DOES 1
18 to 50

19 Defendants.

CASE NO. CV 10-03221-JFW (Ex)

**ORDER DISMISSING ENTIRE
ACTION**

*[Filed concurrently with Joint
Stipulation]*

[Assigned to Hon. John F. Walter]

*[Discovery to Magistrate Judge
Charles F. Eick]*

Trial Date: 4/26/11

Pretrial Conference Date: 4/8/11

20 **ORDER**

21 The Court, having considered the Joint Stipulation of Plaintiffs WILLIAM L.
22 WELLS, JR. and JANICE WELLS and Defendant DEPUY SPINE, INC. finds:

- 23 1. WHEREAS Plaintiffs seek to voluntarily dismiss this action;
- 24 2. WHEREAS Plaintiffs and DEPUY SPINE, INC. have stipulated to
- 25 DEPUY SPINE, INC.'s waiver of all fees and costs that it would be entitled to seek
- 26 from the Court in exchange for Plaintiffs' dismissal of this action;
- 27 3. WHEREAS Plaintiffs and DEPUY SPINE, INC. have further stipulated
- 28 to DEPUY SPINE, INC.'s waiver of any claim for malicious prosecution against

1 Plaintiffs in exchange for Plaintiffs' dismissal of this action;

2 IT IS HEREBY ORDERED that the action *WILLIAM L. WELLS, JR. and*
3 *JANICE WELLS, Plaintiffs, vs. DEPUY SPINE, INC.; DEPUY, INC.; JOHNSON &*
4 *JOHNSON, and DOES 1 to 50, Defendants*, United States District Court - Central
5 District of California Case No. CV 10-03221-JFW (Ex), is dismissed in its entirety
6 and with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1).

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8 **IT IS SO ORDERED.**

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10 By:

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12 DATED: September 21, 2010

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14 HON. JOHN F. WALTER
15 United States District Court Judge
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 South Figueroa Street, Thirty-Eighth Floor, Los Angeles, California 90017.

On September 20, 2010, I served true copies of the following document(s) described as **[PROPOSED] ORDER DISMISSING ENTIRE ACTION** on the interested parties in this action as follows:

Stephen J. Estey, Esq.
ESTEY & BOMBERGER, LLP
2869 India Street
San Diego, CA 92103

Attorneys for Plaintiffs
WILLIAM L. WELLS, JR. and
JANICE WELLS

T: (619) 295-0035
F: (619) 295-0172

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Yukevich Calfo & Cavanaugh's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY CM/ECF for parties that are CM/ECF participants. Service is being made electronically on those parties on the attached list that are registered users of the Court's Electronic Case Filing System.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 20, 2010, at Los Angeles, California.

Deanna Castellanos

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